

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Empowering Consumers to Prevent and Detect
Billing for Unauthorized Charges (“Cramming”)

Consumer Information and Disclosure

Truth-in-Billing and Billing Format

CG Docket No. 11-116

CG Docket No. 09-158

CC Docket No. 98-170

**COMMENTS OF
THE MASSACHUSETTS DEPARTMENT OF
TELECOMMUNICATIONS AND CABLE**

Commonwealth of Massachusetts
Department of Telecommunications and Cable

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Dated: June 25, 2012

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The Massachusetts Department of Telecommunications and Cable (MDTC)¹ respectfully submits these comments in response to the Further Notice of Proposed Rulemaking (FNPRM) released by the Federal Communications Commission (FCC or Commission) on April 27, 2012, in the above-referenced dockets.² The FNPRM accompanies a Report and Order (Order) that enacts regulations to protect wireline consumers from cramming, which is the practice of placing unauthorized charges on their telephone bills by third parties.³

I. SUMMARY

The MDTC renews its request that the Commission require all wireline and wireless providers to offer a third-party blocking service free of charge to their customers. While the MDTC supports the FCC’s efforts to reduce incidents of wireline cramming, ample evidence

¹ The MDTC is the exclusive state regulator of telecommunications and cable services within the Commonwealth of Massachusetts. MASS. GEN. LAWS ch. 25C, § 1.

² *In the Matter of Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”); Consumer Information and Disclosure; Truth-in-Billing and Billing Format*, CG Docket Nos. 11-116, 09-158, CC Docket No. 98-170, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-142 (rel. Apr. 27, 2012) (Order and FNPRM).

³ *Id.* at ¶ 1.

exists that wireless cramming is a sufficient concern to merit action now. The MDTC urges the Commission to consider a “Do-Not-Cram” registry listing the phone numbers of consumers who have indicated their preference to block third-party charges on their bills, modeled on the successful national “Do-Not-Call” registry. Furthermore, the terms of a federal class action settlement entered into by Verizon in California, while creating useful cramming protections, could be improved by permitting a “white listing” of acceptable third-party service providers and assigning unique codes to each consumer.⁴

II. BACKGROUND OF THE ORDER AND FNPRM.

On April 27, 2012, the Commission announced in its Order and FNPRM new cramming rules designed to protect traditional phone customers from the “mystery fees” that are included on phone bills, resulting from third party charges which the customers may or may not have intended to receive.⁵ The Commission noted in its Order that “third-party billing – the practice that enables most cramming – is a \$2-billion-a-year-industry.”⁶ The Order requires wireline providers to organize telephone bills clearly and to separate out, in a distinct section of the bill, charges that are not for telecommunications services.⁷ The charges for these non-telecommunications services must be displayed clearly and conspicuously on the payment page.⁸ The telephone bill must identify any change in service provider.⁹ The Commission also directed wireline providers that voluntarily offer a third-party blocking service to notify their customers at

⁴ *Desiree Moore, et al. v. Verizon Communications Inc., et al.*, United States District Court, Northern District of California, Case No. CV 09-1823, Stipulation and Settlement Agreement (filed Feb. 1, 2012), available at: <https://www.verizonthirdpartybillingsettlement.com> (last viewed June 7, 2012) (Verizon California Cramming Settlement). Claims for payment must be submitted by November 15, 2012 and can be registered at the above web site. *Id.*

⁵ Order and FNPRM, ¶ 1.

⁶ *Id.* at ¶ 2.

⁷ *Id.* at ¶ 64; Order and FNPRM, Appendix A.

⁸ *Id.*

⁹ *Id.*

their point of sale, on the web, and on the bills about this option.¹⁰ The new rules enacted in the Order affect wireline telephone providers, but not Voice over Internet Protocol (VoIP) or wireless providers.¹¹

The Commission seeks comment in the FNPRM on whether a mandatory opt-in approach, rather than the current voluntary approach, to blocking third-party charges is needed to protect consumers from cramming.¹² The Commission also seeks comment on whether wireless providers should be subject to the cramming rules.¹³ Additionally, the Commission asks for comment on an opt-in approach recently approved by a federal court in California, referred to herein as the Verizon California Cramming Settlement, in a class action lawsuit.¹⁴

III. THE COMMISSION SHOULD REQUIRE WIRELINE AND WIRELESS PROVIDERS TO OFFER A THIRD-PARTY CHARGE OPT-IN BLOCKING SERVICE FREE OF CHARGE.

As an initial response to the Commission's inquiry on effective measures to protect consumers against cramming, the MDTC renews its request that the Commission require all wireline and wireless providers to offer a third-party blocking service free of charge.¹⁵ This would be an effective means of protecting wireline and wireless consumers from cramming while minimizing the cost to consumers. At a minimum, all wireline customers subject to the Order's terms should receive the benefit of the ability to block third-party charges at no cost.

¹⁰ Order and FNPRM, ¶ 52.

¹¹ The MDTC joined with its neighboring New England regulatory commissions in calling for technology-neutral cramming rules, which would have applied equally to all wireline and wireless providers, including VoIP providers. See Joint Comments of the New England Conference of Public Utilities Commissioners – The Connecticut Department of Energy and Environmental Protection Public Utilities Regulatory Authority, the Maine Public Utilities Commission, the Massachusetts Department of Telecommunications and Cable, the New Hampshire Public Utilities Commission, the Vermont Department of Public Service, and the Vermont Public Service Board -- and the Rhode Island Division of Public Utilities and Carriers, filed Oct. 24, 2011 (NECPUC Comments), p. 3. Given the FCC's decision not to pursue technology-neutral cramming rules, the MDTC concurs with the Commission that continued monitoring VoIP service is warranted at the state and federal levels.

¹² *Id.* at ¶ 137.

¹³ *Id.* at ¶ 146.

¹⁴ *Id.* at ¶¶ 42, 138; Verizon California Cramming Settlement Agreement at 13-16.

¹⁵ NECPUC Comments, p. 3.

A. Massachusetts Consumers Will Benefit from a Mandatory Free Third-Party Charge Blocking.

The FCC should mandate that providers offer to consumers, at no charge, the ability to block third-party charges on all phone bills. From 2008 through May 2012, the MDTC received and handled nearly four hundred cramming complaints.¹⁶ The MDTC estimates that Massachusetts has over three million residential and business wireline subscribers who will benefit from the Commission's protective actions going forward.¹⁷ Although Section 201(b) of the Telecommunications Act of 1996 was intended to address cramming concerns, this statutory framework alone has not been effective. The Commission estimates that more than 15 to 20 million American households indicate that the problem persists.¹⁸ The Commission, together with the Majority Staff of the Senate Commerce Committee, agreed that the public has suffered from this problem for more than ten years.¹⁹

While the Commission's proposed rules will require wireline providers to notify their customers *if* the provider offers a third-party charge blocking service – the Commission's Order did not require the offering of such a service.²⁰ The MDTC believes that such a service should

¹⁶ NECPUC Comments, p. 15, with updated staff reports. The MDTC does not separate wireless from wireline figures in its complaint totals.

¹⁷ The Commission explicitly said that business as well as residential consumers are covered by the Order. Order and FNPRM, ¶ 1, fn. 1. This three million figure does not include the nearly one million residential VoIP consumers in Massachusetts. The FCC declined to extend the cramming rules to VoIP providers at this time due to an insufficient record. *Id.* at ¶ 47.

¹⁸ Order and FNPRM, ¶¶ 2, 4. The Commission cites a number of FCC orders and wireline cramming investigations in support of its Order, *citing Long Distance Direct, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 3297, 3302, ¶14 (2000) (imposing a forfeiture for a company's practices of cramming membership and other unauthorized fees on consumer telephone bills); *Main Street Telephone Company*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8853 (rel. Jun. 16, 2011) (\$4.2 million proposed forfeiture); *VoiceNet Telephone, LLC*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8874 (rel. Jun. 16, 2011) (\$3 million proposed forfeiture); *Cheap2Dial Telephone, LLC*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8863 (rel. Jun. 16, 2011) (\$3 million proposed forfeiture); *Norristown Telephone Company, LLC*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8844 (rel. Jun. 16, 2011) (\$1.5 million proposed forfeiture).

¹⁹ *Id.* at ¶¶ 1, 2 ("The record compiled in this proceeding to date, including a report prepared by the Majority Staff of the Senate Commerce Committee and the Commission's own complaint data, suggests that cramming is a significant and ongoing problem that has affected telecommunications consumers for over a decade ...").

²⁰ Order and FNPRM, Appendix A, Final Rules, Sec. 64.2401(f).

be mandatory, not voluntary. Providing a third-party charge blocking service, free of charge, will significantly assist in reducing the incidents of cramming. Notifying wireline consumers of their ability to block third party charges and setting a “clear and conspicuous” standard for service provider bill layouts and descriptions are substantial steps forward in battling cramming charges. The Commission should, therefore, expand the new cramming rules by mandating that all wireline providers offer the ability to block third-party charges, not just those providers who choose to provide the service.

B. Wireless Consumers Should Be Included in the Commission’s Cramming Protections.

The MDTC, as part of NECPUC, advocated a technology-neutral approach to cramming rules in the previous comment round.²¹ The MDTC remains convinced that such an approach is warranted, but recognizes that the Commission found that the record lacks sufficient support to impose cramming rules for VoIP and wireless services.²² The MDTC respectfully disagrees with the wireless finding in particular, as the record does, in fact, establish adequate evidence of wireless cramming to support the need for cramming rules applicable to wireless providers.

Shortly after the Commission released its FNPRM seeking additional record evidence of wireless cramming, a Texas state court approved a cramming settlement agreement which Texas news sources stated may have affected almost 600,000 Texas wireless consumers.²³ In *Texas v. Eye Level Holdings, LLC d/b/a JAWA*, the Texas Attorney General’s office and a third-party billing company, JAWA, settled a deceptive practices claim on May 9, 2012, involving premium

²¹ NECPUC comments, p. 17.

²² Order and FNPRM, ¶ 47.

²³ Statesman.com, “Business Digest: Texas refunds possible in texting fraud case,” May 9, 2012, accessible at: <http://www.statesman.com/business/business-digest-texas-refunds-possible-in-texting-fraud-2348766.html?printArticle=y> (last viewed June 14, 2012).

short message service by JAWA and its subsidiaries to Texas cell phone customers.²⁴ JAWA allegedly billed consumers \$9.99 per month on wireless bills for services the consumers did not request.²⁵ According to the Texas Attorney General, the JAWA bill listing did not adequately describe JAWA's services, and consumers did not have adequate contact information to inquire about the charges.²⁶ JAWA settled the allegations against it, agreeing to pay \$2 million and agreed to injunctive measures including new disclosures, renewal notices, auditing, training, and service descriptions.²⁷ In addition, the parties acknowledged that the Mobile Marketing Association's U.S. Consumer Best Practices disclosure requirement will guide any future court determinations of whether JAWA's disclosures are "clear and conspicuous," should disputes arise.²⁸

The Commission has been aware for some time and has evidence that wireless consumers are being crammed. In 2010 the Commission's Enforcement Bureau settled a wireless cramming investigation into Verizon Wireless' data usage charge practices, affecting as many as 15 million wireless consumers.²⁹ The Enforcement Bureau investigated consumer complaints against Verizon Wireless' practice of assessing a \$1.99 per megabyte of data charge to certain wireless customers who were billed for all of their data usage on a pay-as-you-go basis (called "Paygo" customers). The Bureau concluded that "approximately 15 million Paygo Customers were, or

²⁴ *State of Texas v. Eye Level Holdings, LLC, d/b/a JAWA, et al.*, Travis County District Court, 345th Judicial District, Cause No. D-1-GV-11-000268, Agreed Final Judgment (entered May 9, 2012) (JAWA Settlement). A copy of the JAWA Settlement is available on the Texas Attorney General's web page at: <https://www.oag.state.tx.us/oagNews/release.php?id=4047> (last viewed June 14, 2012). Exhibit A to the JAWA Settlement lists nearly 150 JAWA entities whose corporate names appeared on consumers' bills.

²⁵ JAWA Settlement, "Texas Attorney General Abbott Resolves Text Message Fraud Investigation into JAWA, Related Entities," Press release (May 9, 2012) ("After a thorough investigation, the State determined that JAWA was improperly adding expensive, unauthorized charges to Texans' monthly cell phone bills.")

²⁶ JAWA Settlement, pp. 5-14.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *In the Matter of Verizon Wireless Data Usage Charges*, FCC File No. EB-09-TC-458, DA 10-2068, Order and Consent Decree (rel. Oct. 28, 2010) (Verizon Wireless Paygo Consent Decree).

may have been, erroneously billed for data usage from November 2007 to the Effective Date; and [the] Company estimates that the total amount of the refunds and credits that should be paid to those Paygo customers is approximately \$52.8 million.”³⁰ As part of the Consent Decree, Verizon Wireless agreed to cease applying mistaken data charges, to implement a refund program, to ensure enhanced training of the Company’s employees, and to file compliance reports for a two-year period from the effective date, October 28, 2010.³¹

The Commission acknowledged in its Order that cramming for wireless consumers may be on the rise.³² Moreover, Senator Rockefeller, Chairman of the Senate Commerce Committee, recently introduced anti-cramming legislation that would direct the Commission to create rules that would protect wireless consumers against cramming.³³

The Commission has significant evidence of wireless cramming. As consumer awareness of anti-cramming policies increases, so too does the likelihood that empowered Massachusetts consumers will identify prohibited behavior and report it to the Commission and to the MDTC. An increase in consumer complaints to the Commission, the Federal Trade Commission (FTC), and state consumer protection agencies will result in refunds and possible fines levied against third-party cramming violators, which will provide a greater deterrent to future prohibited behavior. All this may follow if the Commission heeds the MDTC’s recommendation and

³⁰ Verizon Wireless Paygo Consent Decree, ¶ 7.

³¹ *Id.* at ¶ 8.

³² *Id.* at ¶ 146. The Commission released its consumer complaints report for the first quarter of 2012. FCC “Quarterly Report of Consumer Inquiries and Informal Complaints for First Quarter of Calendar Year 2012 Released,” available at: <http://www.fcc.gov/document/1st-quarter-2012-report-consumer-inquiries-and-informal-complaints> (last viewed June 11, 2012). Wireless telecommunications complaints to the Commission increased by more than 41% in the first fiscal quarter of 2012 alone, from 32,124 complaints in 4Q 2011 to 36,032 complaints in the first quarter of 2012. *Id.* This report, while not separating out cramming from other billing complaints, provides some basis of concern over the rising level of wireless complaints in general. The Commission cites a lack of data supporting calls for extending cramming rules to wireless providers, yet the Commission did not report wireless cramming separate from other billing complaints. Future reports should separate the cramming sources.

³³ “Fair Telephone Billing Act of 2012,” 112th Congress, 2nd Session, Sponsored by Sen. Jay Rockefeller (D-WV), Senate staff working draft, released June 13, 2012.

requires all wireline and wireless providers to offer a third-party charge blocking service, free of charge to their consumers.

IV. THE COMMISSION SHOULD EXPLORE A “DO-NOT-CRAM” THIRD-PARTY CHARGE BLOCKING APPROACH THAT IS MODELED ON THE SUCCESSFUL “DO-NOT-CALL” PROGRAM.

The record reflects significant concern that the present cramming standards are not sufficient to deter the widespread problem of cramming and calls for additional prevention rules.³⁴ The FTC found that allowing third-party charges on telephone bills has almost entirely been a vehicle for defrauding consumers.³⁵ This is largely the function of a lack of accurate and accessible information being readily available to consumers about the charges appearing on their bills, and third party billing companies that exploit this lack of information for financial gain. Presenting consumers with an option to “opt-in” to third-party billing may not be a strong enough remedy to protect consumers.

A. Consumers Will Not Read Lengthy Opt-In Language and Generally Do Not Want Third-Party Charges on Their Bills.

The MDTC is concerned that third party billing opt-in disclosures will simply be one of the documents a consumer will be asked to sign in the avalanche of paperwork a consumer is provided at the point-of-sale. Consumers may not be able to make informed decisions if the disclosure language is too complex, in small font, or too lengthy.³⁶ As with the on-line privacy

³⁴ Order and FNPRM, ¶136.

³⁵ *Id.* at ¶139

³⁶ The MDTC and others recognize this concern about disclosure language. The MDTC, for example, adopted font size restrictions regarding the customer’s right to dispute their phone bills as part of its Residential Billing and Termination Rules for intrastate telecommunications services in 1977 in D.P.U. 18448 (“Rule 3.6 Customer Protection Notices ... in print no smaller than 1/8 inch in height”) ... (accessible at: <http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/telecommunications-division/telecom-statutes/> (last viewed June 15, 2012)). The Massachusetts Attorney General’s Office has issued regulations under M.G.L. ch. 93A defining “clear and conspicuous” disclosures for retail advertisements. 940 CMR 6.01, accessible at: <http://www.mass.gov/ago/government-resources/ags-regulations/940-cmr-600.html> (last viewed June 15, 2012). Font size on disclosure language was an issue in the Texas JAWA case, as evidenced by the JAWA disclosure requirements that the JAWA entities comply with the Mobile Marketing Association (MMA)’s U.S. Consumer Best Practices regarding font, size, color, contract and location of disclosure. JAWA Settlement, p. 4.

policy disclosure language, consumers may tend to skip over this language and confirm that the disclosures have been “read” by the consumer in order to initiate the download process, especially on mobile devices.³⁷ By “confirming” the disclosures have been read, however, consumers may have waived certain identity rights that they may otherwise consider private. This disclosure language is challenged only after harm has been realized by a critical mass of consumers.

B. The FCC Should Spearhead A “Do-Not-Cram” Approach, Similar to the “Do-Not-Call” Registry.

The Commission seeks comment about the implementation and structure of any additional measures to prevent cramming.³⁸ As an alternative to an opt-in approach, the MDTC encourages the Commission to consider a simple, new perspective -- a “Do-Not-Cram” approach modeled on the very successful “Do-Not-Call” Registry program that blocks unwanted phone calls. A national Do-Not-Cram approach would provide consumers with an easy, familiar way to exclude themselves from unwanted third-party solicitations (and, consequently, charges). Consumers would quickly recognize and understand the purpose and mechanics of a Do-Not-Cram method, making them more willing to protect themselves before the charges appear on their bills.

The Do-Not-Call Registry depends on the creation and operation of a single national database listing telephone numbers of residential subscribers who object to receiving third party charges on their telephone bills. By dialing a number, or entering the phone number on a

The MMA U.S. Consumer Best Practices guidelines (version 6.1 effective April 1, 2011) are available at: <http://www.mmaglobal.com/bestpractice> (last viewed June 15, 2012).

³⁷ The Federal Trade Commission is looking into updating its 12-year-old online advertising disclosure guidelines, known as “Dot Com Disclosures” to better serve the public with better, more effective disclosures on social media platforms and mobile devices. “FTC Will Host Public Workshop to Explore Advertising Disclosures in Online and Mobile Media on May 30, 2012,” Press release of Feb. 29, 2012, accessible at: <http://www.ftc.gov/opa/2012/02/dotcom.shtm> (last viewed June 15, 2012).

³⁸ FNPRM at ¶137.

website, the consumer can prevent unwanted phone solicitations. The Do-Not-Call registry combated the then-growing prevalence of unwanted telemarketing solicitations by providing a simple one-step solution for consumers.³⁹ The Do-Not-Call registry, maintained by the FTC, lists the phone numbers of consumers who have signed up to opt-out of receiving certain phone calls. At last count over 209 million phone numbers have signed up.⁴⁰ Telemarketing entities pay an annual fee of \$55 per area code to access the registry, with a maximum fee of about \$15,000 to access the entire registry.⁴¹

A Do-Not-Cram registry could piggyback off the success of the Do-Not-Call Registry. Parallel to the Do-Not-Call, a Do-Not-Cram registry could be established and managed for telecommunications consumers of any technology of service, including wireless and VoIP services. Consumers could indicate their preference to prohibit unauthorized third-party charges from appearing on their bill by registering their phone number(s). The burden to comply with the list would be borne by the third-party billing entities that would pay for access to the list and must adhere to the consumer's preference. This brief outline of a Do-Not-Cram approach has merit for the Commission's further consideration.

V. THE VERIZON CALIFORNIA CRAMMING SETTLEMENT INCLUDES MASSACHUSETTS CONSUMERS AND COULD BE A REASONABLE NATIONAL OPT-IN APPROACH, WITH SOME MODIFICATIONS.

The Commission seeks comment on the mechanics and various details associated with instituting a third-party blocking opt-in approach.⁴² One example of a free third-party charge blocking program that uses an opt-in approach is the Verizon California Cramming Settlement,

³⁹ *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, FCC 08-147, June 11, 2008, at ¶2.

⁴⁰ *Biennial Report to Congress Under the Do Not Call Registry Fee Act of 2007, FY 2010 and 2011*. Federal Trade Commission, December 2011, at 1, accessible at: <http://www.ftc.gov/os/2011/12/111230dncreport.pdf>, last accessed June 8, 2012.

⁴¹ *Id.* at 3.

⁴² Order and FNPRM, ¶ 137.

which is referenced in the FNPRM.⁴³ A California federal court tentatively approved this approach on February 28, 2012, in *Moore v. Verizon*, in which the plaintiff class asserted claims on behalf of Verizon customers for third-party charges incurred between 2005 and 2012. The class of customers potentially affected by this settlement includes Massachusetts residents who are current or former Verizon landline customers from 2005 to the present.⁴⁴

Under the Verizon California Cramming Settlement, Verizon agreed to notify its current customers who are subject to third-party charges that they may block the charges for free by calling a toll-free number given in the notice stuffed inside each customer's bill.⁴⁵ Upon a new customer's sign-up, Verizon will advise the customer that potential charges from third parties may appear on the customers' bills, and the customer must choose whether to "opt-in" to the potential third-party charges, or "opt-out," thereby blocking all third-party charges, at no additional cost.⁴⁶ Verizon will require new customers to make a decision whether to block the charges before proceeding with account activation.⁴⁷ Verizon will also institute a complaint threshold for aggregator service providers requiring the providers to remain below a complaint threshold of 0.25 – 0.50% or face a suspension of the aggregator's services.⁴⁸ Verizon will also require third parties to confirm billing authorization via a verification of the customer's date of birth, social security number, or other personal information.⁴⁹ Internally, Verizon will train

⁴³ Order and FNPRM, ¶ 138.

⁴⁴ Verizon California Cramming Settlement. *See also* Frequently Asked Questions, available at: [https://www.verizonthirdpartybillingsettlement.com/\(S\(gyfmmxuqteer4pvmxy0lky33\)\)/FAQ.aspx#faq4](https://www.verizonthirdpartybillingsettlement.com/(S(gyfmmxuqteer4pvmxy0lky33))/FAQ.aspx#faq4) (last viewed June 12, 2012).

⁴⁵ Verizon California Settlement Agreement, pp. 13-14.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at 16.

customer service representatives to recognize customer complaints of cramming and to resolve the situations in favor of the customer.⁵⁰

The Verizon California Settlement approach has merit, but could be improved in at least two ways to better protect all customers of telecommunications services. First, the Verizon California Cramming Settlement opt-in appears to be limited to either a complete opt-in by customers or a complete opt-out by customers.⁵¹ The system could be improved by allowing subscribers to “white-list” certain third-party service providers, who would then be able to bill customers for authorized charges. If the third-party service provider uses an aggregator to bill for services, the third-party provider would need to inform customers that they would need to “white-list” the aggregator. The customer should be able to add or remove third-party service providers from their white list at any time by either using the telecommunications service provider’s website or by contacting customer service. Second, customers may want to speed approval of the “white list” during a transaction. One method is to have telecommunications service providers assign customers unique identification codes or pins that the customer could provide to the Third Party. These two modifications would improve the third-party blocking opt-in approach described in the Verizon California Cramming Settlement, and the Commission should consider these modifications.

IV. CONCLUSION

For these reasons, the Commission should require all wireline and wireless providers to offer a third-party blocking service free of charge. Massachusetts consumers will benefit from this expansion of the current anti-cramming framework. The Commission should explore a “Do-Not-Cram” registry approach, modeled on the national Do-Not-Call program, allowing

⁵⁰ *Id.* at 15.

⁵¹ *Id.* at 13.

consumers to block third-party charges on their bills. Finally, the Verizon California Cramming Settlement will aid Massachusetts consumers through refunds and other anti-cramming measures, yet this opt-in approach could be improved by permitting a “white listing” of acceptable third-party service providers and assigning unique codes to each consumer.

Respectfully submitted,

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June 25, 2012